

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:

*The County of Summit, Ohio, et al. v. Purdue Pharma L.P., et al.*, Case No. 18-OP-45090

*The County of Cuyahoga v. Purdue Pharma L.P.*, Case No. 17-OP-45004

*City of Cleveland v. AmerisourceBergen Drug Corp.*, Case No. 18-OP-45132

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**THE MANUFACTURER DEFENDANTS' JOINT MOTION TO DISMISS TRACK 1  
PLAINTIFFS' CLAIMS FOR DAMAGES PURSUANT TO RULE 41(b)**

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, the Manufacturer Defendants,<sup>1</sup> by and through their undersigned attorneys, move this Court to enforce Case Management Order One (“CMO-1”) and dismiss the Track 1 Plaintiffs’ claims for damages in each of their complaints. This Motion will be supported by the pleadings, the record, the Manufacturer Defendants’ supporting Memorandum of Law and exhibits, which are filed

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<sup>1</sup> “Manufacturer Defendants” refers to Purdue Pharma LP, Purdue Pharma Inc., and The Purdue Frederick Company Inc. (“Purdue”); Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc. (“Allergan/Actavis”); Watson Laboratories, Inc., Actavis Pharma, Inc.; Actavis LLC; Teva Pharmaceuticals, USA, Inc.; and Cephalon, Inc. (“Teva”); Johnson & Johnson (“J&J”) and Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (“Janssen”); Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (“Endo”); Insys Therapeutics, Inc. (“Insys”); and Mallinckrodt LLC and SpecGX LLC (“Mallinckrodt”). Defendant Noramco, Inc., a company referenced in the Second Amended Complaint (“2AC”) as a former affiliate of Janssen (*see* 2AC ¶ 80), joins in this Motion to the extent applicable. Noramco does not (and did not at all material times relevant hereto) manufacture, package, brand, market, distribute, or sell the finished drug products at issue in this litigation, and it reserves all rights and defenses specific to it. Although the arguments raised herein apply equally to Teva Pharmaceutical Industries Ltd., Allergan plc, and Mallinckrodt plc, these Manufacturer Defendants do not join this motion because they are an Israeli corporation, Irish holding company, and Irish company, respectively, that have not been served and over which no personal jurisdiction exists.

contemporaneously herewith and incorporated herein by reference, oral argument and any other evidence requested or permitted by the Court.

WHEREFORE, the Manufacturer Defendants respectfully request this Honorable Court grant their Motion and dismiss the Track 1 Plaintiffs' claims for damages with prejudice.

Dated: November 1, 2018

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2018, a copy of the foregoing **JOINT MOTION TO DISMISS TRACK 1 PLAINTIFFS' CLAIMS FOR DAMAGES PURSUANT TO RULE 41(b)** and supporting papers were filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: November 1, 2018

/s/ Steven A. Reed